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August 23, 2005

Honorable Glenn A. Fine  
Inspector General  
United States Department of Justice  
950 Pennsylvania Avenue, Suite 4322  
Washington, DC 20530-0001

Via Facsimile: 202-616-9898

Dear Inspector General Fine:

We write to request that the Office of the Inspector General conduct an investigation into the November 2002 demotion of former Acting United States Attorney for Guam and the Northern Mariana Islands, Frederick A. Black. We are troubled by an August 7, 2005, report in the *Los Angeles Times* that suggests this demotion was politically motivated (enclosed).<sup>1</sup>

At the time U.S. Attorney Black was demoted, he was supervising a grand jury investigation into the lobbying activities of Jack Abramoff and conducting an ongoing investigation into possible corruption within the Government of Guam. U.S. Attorney Black had been serving as the Acting United States Attorney for more than 10 years when he was demoted. The timing of President Bush's decision to remove and replace U.S. Attorney Black is questionable and warrants an investigation.

The *Los Angeles Times* reports that in 2002, lobbyist Jack Abramoff entered into a secret agreement with Guam Superior Court officials to lobby against a court revision bill then pending in the United States Congress. For his lobbying efforts, Mr. Abramoff was reportedly paid with thirty-six \$9,000 checks funneled through a Laguna Beach lawyer to disguise the lobbyist's role in working for the Guam Superior Court. These transactions were the target of a federal grand jury subpoena issued on November 18, 2002, which required the Guam Superior Court Administrative Director to release records involving the lobbying contract. It was on

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<sup>1</sup>Walter F. Roche, Jr., Inquiry Into Lobbyist Sputters After Demotion, *Los Angeles Times*, August 7, 2005.

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November 19, 2002, that President Bush announced he was demoting U.S. Attorney Black. The federal grand jury took no further action in the Abramoff investigation.

The *Los Angeles Times* also reports that at the time U.S. Attorney Black was demoted, he was directing a long-term investigation into allegations of public corruption in the Government of Guam. This inquiry produced numerous indictments, including some of the top officials in the government. The *Los Angeles Times* reports that an extensive effort by lobbyists connected to the Government of Guam is responsible for U.S. Attorney Black's demotion. In May 2003, U.S. Attorney Black was replaced by Leonardo Rapadas who had been recommended by the Republican Party of Guam. Fred Radewagen, a lobbyist, said he carried that recommendation to Karl Rove, White House Deputy Chief of Staff, in early 2003. Since taking office, U.S. Attorney Rapadas has excused himself from the ongoing public corruption case involving the Government of Guam because he is the cousin of one of the key targets of the investigation.

Again, we are troubled by the circumstances that surround the demotion of former Acting U.S. Attorney Black and request that an investigation be conducted. The Department of Justice should be concerned that a federal prosecutor was possibly removed from his position as a result of lobbying efforts by those he was investigating for public corruption. We appreciate your prompt consideration of this matter. Please reply through the Judiciary Committee Democratic office, 2142 Rayburn House Office Building, Washington, DC 20515 (tel:202-225-6504; fax: 202-225-4423).

Sincerely,

  
John Conyers, Jr.  
Member of Congress

  
Madeleine Z. Bordallo  
Member of Congress

Enclosure

cc: Honorable William E. Moschella  
Assistant Attorney General

Honorable F. James Sensenbrenner, Jr.  
Chairman, U.S. House Comm. on the Judiciary

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## **Inquiry Into Lobbyist Sputters After Demotion**

**The unusual financial deal between Jack Abramoff and officials in Guam drew scrutiny.**

By Walter F. Roche Jr.

Times Staff Writer

August 7, 2005

WASHINGTON — A U.S. grand jury in Guam opened an investigation of controversial lobbyist Jack Abramoff more than two years ago, but President Bush removed the supervising federal prosecutor and the inquiry ended soon after.

The previously undisclosed Guam inquiry is separate from a federal grand jury in Washington that is investigating allegations that Abramoff bilked Indian tribes out of millions of dollars.

In Guam, an American territory in the Pacific, investigators were looking into Abramoff's secret arrangement with Superior Court officials to lobby against a court revision bill then pending in the U.S. Congress. The legislation, since approved, gave the Guam Supreme Court authority over the Superior Court.

In 2002, Abramoff was retained by the Superior Court in what was an unusual arrangement for a public agency. The Times reported in May that Abramoff was paid with a series of \$9,000 checks funneled through a Laguna Beach lawyer to disguise the lobbyist's role working for the Guam court. No separate contract was authorized for Abramoff's work.

Guam court officials have not explained the contractual arrangement. At the time, Abramoff was a well-known lobbyist in the Pacific islands because of his work for the Commonwealth of the Northern Marianas garment manufacturers, accused of employing workers in sweatshop conditions.

Abramoff spokesman Andrew Blum said the lobbyist "has no recollection of his being investigated in Guam in 2002. If he had been aware of an investigation, he would have cooperated fully." Blum declined to respond to detailed questions.

The transactions were the target of a grand jury subpoena issued Nov. 18, 2002, according to a copy obtained by The Times. The subpoena demanded that Anthony Sanchez, administrative director of the Guam Superior Court, release records involving the lobbying contract, including bills and payments.

A day later, the chief prosecutor, U.S. Atty. Frederick A. Black, who had launched the investigation, was demoted. A White House news release announced that Bush was replacing Black.

The timing caught some by surprise. Despite his officially temporary status, Black had held the acting U.S. attorney assignment for more than a decade.

The acting U.S. attorney was a controversial official in Guam. At the time he was removed, Black was directing a long-term investigation into allegations of public corruption in the administration of then-Gov. Carl Gutierrez. The inquiry produced numerous indictments, including some of the governor's political associates and top aides.

Black also arranged for a security review in the aftermath of Sept. 11 that was seen as a potential threat to loose immigration rules favored by local business leaders. In fact, the study ordered by Black eventually cited substantial security risks in Guam and the Northern Marianas.

Abramoff, who then represented the Commonwealth of the Northern Mariana Islands, alerted his clients in a memo about the expected report and warned: "It will require some major action from the Hill and a press attack to get this back in the bottle."

The lobbyist also wrote that he and his aides expected to meet in the near future with Justice Department officials, according to Abramoff billing documents released this year by the Marianas government.

A Justice Department spokesman previously dismissed Abramoff's references to meetings with high level department officials as "a lot of bluster to impress a client."

Abramoff also sought expanded lobbying business with the Pacific island governments.

A lawyer for Gutierrez discussed hiring Abramoff to represent Guam's territorial government in 2002 before the grand jury inquiry began. The discussions were held at Abramoff-owned Signature's Restaurant here, according to two sources with direct knowledge of the meeting. They provided details on condition of anonymity.

The federal grand jury in Guam took no further action after the initial subpoena was issued in the Abramoff case, according to sources familiar with the inquiry who spoke on condition of anonymity. Three weeks after the subpoena was issued, about 100 pages of documents related to the court-revision lobbying effort were turned over to FBI agents investigating the case, records show.

This year, Public Auditor Doris Flores Brooks initiated a separate investigation of Abramoff's secret lobbying work for the Guam courts.

The auditor's office is reviewing Abramoff's payments totaling \$324,000 in 36 separate checks for \$9,000 paid through lawyer Howard Hills of Laguna Beach. Hills said he was a middleman.

The new Guam inquiry remains open.

Black, 56, had served as acting U.S. attorney for Guam and the Northern Mariana islands since 1991.

The career prosecutor, who had held a senior position as first assistant before accepting the acting U.S. attorney job, was demoted to a staff post. Black's demotion came after an intensive lobbying effort by supporters of Gov. Gutierrez, who had been publicly critical of Black and his investigative efforts.

Black declined to comment for this article.

Black's successor, Leonardo Rapadas, was confirmed in May 2003 without any debate. Rapadas had been recommended by the Guam Republican Party for the job. Fred Radewagen, a lobbyist who had been under contract to the Gutierrez administration, said he carried that recommendation to top Bush aide Karl Rove in early 2003.

After taking office, Rapadas recused himself from the ongoing public corruption case involving Gutierrez. The new U.S. attorney was a cousin of "one of the main targets," according to a confidential memo to Justice Department officials.

Rapadas declined to comment and referred questions about his recusal to Justice Department officials, who did not respond to requests for comment.

Erin Healy, a Bush spokeswoman, would not comment on the recusal but defended Rapadas' appointment, saying that he was "well known and well respected" and had served for more than a decade as an assistant attorney general in the Guam government.

Abramoff is now the subject of Senate and federal grand jury inquiries related to his dealings with Indian tribes. He also has drawn controversy for his role in arranging foreign trips for congressional leaders, including House Majority Leader Tom DeLay (R-Texas).

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